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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------------|
| 10/550,377 | 09/20/2005 | Thomas H Taylor JR. | 6395-68045-05 | 3377 |
| 46135 7590 06/11/2007 KLARQUIST SPARKMAN, LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204 | | | EXAMINER GUTIERREZ, ANTHONY | |
| | | | ART UNIT 2857 | PAPER NUMBER |
| | | | MAIL DATE 06/11/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--------------------------|-------------------|------------------|--|
| Interview Summary | Application No. | Applicant(s) | |
| | 10/550,377 | TAYLOR, THOMAS H | |
| | Examiner | Art Unit | |
| | Anthony Gutierrez | 2857 | |

All participants (applicant, applicant's representative, PTO personnel):

(1) Anthony Gutierrez.

(3) Gregory L. Maurer.

(2) Jeff West.

(4) Kristen Reichenbach.

Date of Interview: 05 June 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____.

Claim(s) discussed: 1.

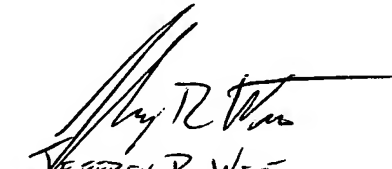
Identification of prior art discussed: Wittwer et al. (US 6,503,720 B2).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

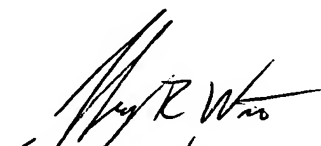
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


 JEFFREY R. WEST
 EXAMINER-AU 2857

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant indicated that Wittwer et al. did not disclose a 'usable portion of a standard sigmoid curve' consistent with a range on the curve, but rather was limited to a point on the curve. The Examiner indicated that a point was maintained to be a 'portion' in the broadest reasonable interpretation of the claim language and that Applicant's specification was regarding both points and ranges for the designation of 'usable'. The Examiner further maintained that Wittwer et al. appeared to include embodiments in which a plurality of points on the curve were being used, such that an amendment to the claims to specifically address a range would need to include language to overcome those embodiments of the reference. The Examiner further indicated that a tangible result in the claims would no longer be the criteria for maintaining the rejection under 35 U.S.C. 101, but rather that the standard would be whether or not the specification included a practical application of the claimed invention.



JEFFREY R WEST
EXAMINER - AU 2857